

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1921

Introduced by Assembly Member Gonzalez

February 11, 2016

An act to amend Section 3017 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1921, as amended, Gonzalez. Elections: vote by mail ballots.

Existing law requires that the vote by mail ballot be available to any registered voter. Under existing law, a voter who is unable to return his or her vote by mail ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or person residing in the same household as the vote by mail voter to return the vote by mail ballot. Except in the case of a candidate or the spouse of a candidate, existing law prohibits the return of a voter’s vote by mail ballot by one of those designees who is also a paid or volunteer worker of a general purpose committee, controlled committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service.

This bill would *remove those restrictions and* instead authorize *the designation of* any person to return ~~the a~~ vote by mail ballot ~~and would specifically authorize a paid or volunteer worker of a general purpose committee, controlled committee, or any other group or organization at whose behest the designee is performing a service to return an individual’s vote by mail ballot.~~ The bill would prohibit a person designated to return a vote by mail ballot from receiving any form of compensation, as defined, based on the number of ballots that the person

has returned and would prohibit an individual, group, or organization from providing compensation on this basis. *The bill would state that any person in charge of a vote by mail ballot who knowingly and willingly engages in criminal acts related to that ballot is subject to the appropriate punishment pursuant to existing law.*

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 of the Elections Code is amended
2 to read:

3 3017. (a) All vote by mail ballots cast under this division shall
4 be voted on or before the day of the election. After marking the
5 ballot, the vote by mail voter shall do any of the following: (1)
6 return the ballot by mail or in person to the elections official from
7 whom it came, (2) return the ballot in person to a member of a
8 precinct board at a polling place within the jurisdiction, or (3)
9 return the ballot to the elections official from whom it came at a
10 vote by mail ballot drop-off location, if provided pursuant to
11 Section 3025. However, a vote by mail voter who is unable to
12 return the ballot may designate any person to return the ballot to
13 the elections official from whom it came or to the precinct board
14 at a polling place within the jurisdiction. The ballot must, however,
15 be received by either the elections official from whom it came or
16 the precinct board before the close of the polls on election day.

17 (b) The elections official shall establish procedures to ensure
18 the secrecy of a ballot returned to a precinct polling place and the
19 security, confidentiality, and integrity of any personal information
20 collected, stored, or otherwise used pursuant to this section.

21 (c) On or before March 1, 2008, the elections official shall
22 establish procedures to track and confirm the receipt of voted vote
23 by mail ballots and to make this information available by means
24 of online access using the county's elections division Internet Web
25 site. If the county does not have an elections division Internet Web
26 site, the elections official shall establish a toll-free telephone
27 number that may be used to confirm the date a voted vote by mail
28 ballot was received.

1 (d) The provisions of this section are mandatory, not directory,
2 and a ballot shall not be counted if it is not delivered in compliance
3 with this section.

4 ~~(e) (1) A vote by mail voter's ballot may be returned by a paid~~
5 ~~or volunteer worker of a general purpose committee, controlled~~
6 ~~committee, independent expenditure committee, political party,~~
7 ~~candidate's campaign committee, or any other group or~~
8 ~~organization at whose behest the individual designated to return~~
9 ~~the ballot is performing a service.~~

10 ~~(2) (A)~~

11 ~~(e) (1)~~ A person designated to return a vote by mail ballot shall
12 not receive any form of compensation based on the number of
13 ballots that the person has returned and no individual, group, or
14 organization shall provide compensation on this basis.

15 ~~(B)~~

16 (2) For purposes of this paragraph, "compensation" means any
17 form of monetary payment, goods, services, benefits, promises or
18 offers of employment, or any other form of consideration offered
19 to another person in exchange for returning another voter's vote
20 by mail ballot.

21 (3) *Any person in charge of a vote by mail ballot and who*
22 *knowingly and willingly engages in criminal acts related to that*
23 *ballot as described in Division 18 (commencing with Section*
24 *18000), including, but not limited to, fraud, bribery, intimidation,*
25 *and tampering with or failing to deliver the ballot in a timely*
26 *fashion, is subject to the appropriate punishment specified in that*
27 *division.*